

### III. REMARKS

Claims 1-24 are pending in this application. By this amendment, claims 1, 3, 5, 7, 8, 9, 11, 13, 15, 16, 17, 19, 21, 23 and 24 have been amended. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1, 9, 15, 16, 17, 23 and 24 are rejected under 35 U.S.C. §112 as allegedly being indefinite. Claims 9-16 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Claims 1-7, 9-15 and 17-23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Patel *et al.* (U.S. Patent No. 6,338,160), hereafter "Patel." Claims 8, 16 and 24 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Patel in view of Gee *et al.* (U.S. Patent No. 6,374,286), hereafter "Gee."

#### A. REJECTION OF CLAIMS 1, 9, 15, 16, 17, 23 and 24 UNDER 35 U.S.C. §112

The Office has asserted that claims 1, 9, 15, 16, 17, 23 and 24 are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claims 1, 9 and 17 to give an antecedent basis to "...the constant pool entry." Furthermore, applicant has amended claims 7, 8, 15, 16, 23 and 24 to replace "Java virtual machine" with "bytecode environment." Applicants assert that these

amendments further clarify the invention. Accordingly, Applicants request that the rejections be withdrawn.

#### **B. REJECTION OF CLAIMS 9-16 UNDER 35 U.S.C. §101**

The Office has asserted that claims 9-16 are directed to non-statutory subject matter. Applicant respectfully traverses this rejection. Applicant has amended claim 9 to recite, "a constant pool in memory." Applicants assert that this amendment further directs the invention to statutory subject matter. Accordingly, Applicants request that the rejections be withdrawn.

#### **C. REJECTION OF CLAIMS 1-24 UNDER 35 U.S.C. §103(a)**

With regard to the 35 U.S.C. §103(a) rejection of claims 1-7, 9-15 and 17-23 over Patel, Applicant asserts that Patel does not teach each and every feature of the claimed invention. Specifically, with respect to independent claims 1, 9 and 17, Applicant submits that Patel fails to teach or suggest a constant pool entry having an unresolved value field for maintaining an unresolved value, and a resolved value field for maintaining a resolved value. The invention in Patel provides a method for referencing and resolving data in a constant pool. Abstract. Each entry in the Patel constant pool has an indication field and a resolution data field. Col. 8, lines 24-26; FIGS. 8a and 8b. The Patel indication field contains a pointer to an address having the data to be resolved. Col. 8, lines 26-27. The resolution data field in Patel contains an index to a jump table that indicates whether or not the data in the indication field has been resolved. Col. 8, lines 27-37. Accordingly, the Patel resolution data field never includes a resolved value. In contrast, the present invention includes "...the constant pool entry has an unresolved value field

for maintaining the unresolved value and a resolved value field for maintaining the resolved value.” Claim 1. As such, in addition to the unresolved value field, the present invention includes, *inter alia*, a resolved value field for maintaining the resolved value, as opposed to Patel in which the value in the resolution data field simply indexes a jump table that indicates whether the indication field has been resolved. Thus, the constant pool entry that includes both an unresolved value field for maintaining the unresolved value and a resolved value field for maintaining the resolved value as included in the present invention is not equivalent to the entry in the Patel constant data pool having an indication field and a resolution data field. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With further respect to independent claims 1, 9 and 17, Applicant respectfully submits that Patel also fails to teach or suggest maintaining both the unresolved value and the resolved value in the constant pool entry for the data item. As stated above, Patel uses an entry in the constant pool that has an indication field and a resolution data field that Patel uses in determining whether the data in the indication field needs to be resolved. Col. 8, lines 24-37; FIGS. 8a and 8b. If it is determined by the Patel method that the data in the indication field needs to be resolved, the data is resolved, and the data in the indication field is overwritten with the resolved data. Col. 8, lines 40-41. Because the resolved data overwrites the data in the indication field, the unresolved data never resides in the entry of the Patel constant pool simultaneously with the resolved data. The present invention, in contrast, includes “...maintaining both the unresolved value and the resolved value in the constant pool entry for the data item.” Claim 1. Thus, unlike Patel, in which the resolved data overwrites the unresolved data in the entry of the constant pool, the constant pool entry for the data item as claimed in the present invention maintains, *inter alia*,

both the unresolved value and the resolved value. For the above reasons, the overwriting of the indication field of Patel is not equivalent to the maintaining of both the unresolved value and the resolved value in the constant pool entry for the data item as claimed in the present invention. Accordingly, Applicant requests that the rejection be withdrawn.


With regard to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to independent claims listed above. In addition, Applicant submits that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicant will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

#### IV. CONCLUSION

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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